

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STEVEN MORGAN,)	
Plaintiff,)	CIVIL ACTION NO 07-130
)	District Judge Gary L. Lancaster
vs)	Magistrate Judge Lisa Pupo Lenihan
)	
RAYMOND C. RUSTIN, ET.AL;)	
Defendants.)	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

I. RECOMMENDATION

Because Plaintiff has failed to pay the filing fee or submit a motion to proceed *in forma pauperis*, it is respectfully recommended that this action be dismissed without prejudice. Plaintiff should be permitted to re-file this action within the applicable statute of limitations period by paying the full filing fee of \$350.00 or a motion to proceed *in forma pauperis*.

II. REPORT

Plaintiff, Steven Morgan, a Pennsylvania inmate currently confined at the State Correctional Institution at Camp Hill, Pennsylvania, filed a Complaint under the Civil Rights Act of 1871, 42 U.S.C. §1983, against Ramon Rustin, Rabbi Muishe Vogel and the Allegheny County Jail. On March 6, 2007, this Court issued an Order to Plaintiff to submit the \$350.00 for filing fee or move to proceed *in forma pauperis* (IFP) and provide a certified inmate accounting statement signed by the records officer at the prison by March 30, 2007 if he wished to proceed with his civil rights complaint (doc. no. 2).


Plaintiff has not submitted the filing fee or a motion to proceed *in forma pauperis*. Plaintiff's refusal to comply with the directions contained in the Court's March 6, 2007 Order makes it impossible for the Court to proceed with this action. Because Plaintiff has not complied with this Court's Order, it must be concluded that he no longer desires to maintain this action.

III. CONCLUSION

It is respectfully recommended that this action be dismissed, without prejudice. Plaintiff should be permitted to re-file this action within the applicable statute of limitations period by paying the full filing fee of \$350.00 or moving to proceed *in forma pauperis*.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, Plaintiff is allowed ten (10) days from the date of service to file objections to this Report and Recommendation. Failure to file timely objections may constitute a waiver of any appellate rights.

April 4, 2007



Lisa Pupo Lenihan
U.S. Magistrate Judge

cc: The Honorable Gary L. Lancaster
United States District Judge

STEVEN MORGAN, GU-4656
SCI Camp Hill
P.O. Box 200
Camp Hill, PA 17001-0200